RESPONSE TO THE REJECTIONS

1. Claims 1-17 and 19-37 have been rejected under 35 U.S.C. 103(a) as being unpatentable (obvious) over Hedrick (U.S. Patent No. 6,135,884) in View of RTD USA (www.rtdusa.com) and Mardsen et al. (*Development of PC-Windows Based Universal C9oontrol System*)

Preliminary Remarks About RTD

The reference RTD is not an available reference under any section of 35 USC 102 as it is not prior. The present application contains literal filing priority to October 24, 1999. RTD was downloaded in 2003, and has a copyright notice of 1998-2003, indicating that the publication date of that particular document was in 2003. The reference is not prior art.

Additionally, the RTD reference is little more than a list of commercially available components. There is nothing tying the reference to gaming, except for the most incidental references to images. The reference, even if it were available as a reference under 35 USC 103(a) has no nexus to the gaming industry.

Preliminary Remarks about Mardsen et al.

Mardsen et al. is asserted to be a general teaching "that a universal controller would benefit a wide range of commercial applications." The actual teaching of Mardsen is quite narrower. Mardsen teaches that in an industrial application or plants where there are motion control systems (e.g., conveyors, servo motors, stepper motors, etc.) that an integrated PC-based control system offers advantages. The fact that such a system is indicated as useful in an industrial plant retooling or upgrade provides no substantive nexus to the use of the claimed system in a wagering gaming apparatus. One skilled in either the Industrial Engineering field or the Gaming Industry would find no nexus between the two fields and would not envisage application of the Mardsen et al. system within a gaming apparatus. There is no reasonable connection between industrial plant control and internal control of a wagering game apparatus to

motivate one skilled in the art to seek, find or use the technology of Mardsen in the field of wagering gaming apparatus. The Mardsen reference is not relevant art to the claimed invention.

Given this background, the RTD reference has not been established as an available "prior art" reference, the RTD reference provides no motivation for use of the RTD components in a wagering gaming apparatus, and Mardsen is non-analogous art. To the degree that these references are needed in the rejection of any claims (and they are used in the rejection of each and every claim), the rejection is clearly in error and must fail. The rejection must be withdrawn and all claims allowed.

Preliminary Remarks Concerning the Invention

These remarks are believed to be material to the issues relating to the invention itself and to the particular art that the rejections apply against the claims.

The field of the invention claimed is clearly and absolutely limited to gaming apparatus, a clearly identifiable field of commerce and industry. The scope and nature of prior art that can be applied by one skilled in the gaming art, and even the nature of art that might be considered as relevant to the present invention must be considered from the context of the gaming industry. At least one prior art reference used in rejections of some of the present claims is not art that is relevant to the gaming industry and would not have been considered by one skilled in the gaming industry when considering the problems addressed by the present invention. That prior art reference is Mardsen et al. *Development of a PC-Windows Based Universal Control System.*

Mardsen et al. deals with "The control of moving parts..." in scientific and industrial processes. (Column 1, Page 284, under INTRODUCTION). The "crucial area which this paper addresses is the need for flexibility and adaptability of all components of a motion control system" (Page 284, column 1, ~lines 35-38). The "Universal' control system allows the controller to coordinate highly specific applications, for example, the emulation of CNC milling or lathe machines. Even the direction of future work leads away from any consideration of application in the field of the gaming industry. On page 287, column 2 under "Future Developments," Mardsen states:

> "Development work is continuing into new applications for the system. Of particular interest is in the field of high accuracy optical component alignment within the production environment using standard control system elements. This would represent a low cost practical solution to an industry wide problem."

This system is clearly directed towards industrial process and industrial system plants and locations. There is nothing even vaguely similar between the field of use suggested by Mardsen and the filed to which all claims in the application are limited.

Even though the relationship of components in Mardsen are similar to the relationship of components in the systems of the presently claimed invention, and even though some of the benefits are similar, the fields are so immensely diverse that the two fields (Industrial Processing and gaming apparatus) are non-analogous art. Not only would one skilled in the gaming art not be prone to seek expertise from within the Industrial processing field for the control of moving equipment (the field defined by Mardsen), but one skilled in the gaming art would have been prone (prior to the invention by Applicants) to have considered developments within the field of Industrial Processing to be non-analogous and not material to the development of hardware for a gaming apparatus. Even the overall benefits specifically attributed to the Mardsen system installation (Page 287, column 1, lines 17-24 "Results") are unrelated to any benefits that are provided by the present invention in the gaming industry. Mardsen states that

> "Production time per unit has been reduced by 75%, i.e., to less then 6 minutes, and quality increased to such an extent that waste has been virtually eliminated."

These parameters cannot even be related to any potential for benefits in a gaming apparatus. There is never any waste, and production time is meaningless. Even mechanical reel-type slots operate at virtually the same speed as video gaming counterparts. There is no meaningful efficiency difference. **Mardsen constitutes non-analogous art that does not provide sufficient nexus to the gaming industry that its use would be motivated in application against the claims to the present invention. To emphasize this difference, the limitations of at least:**

> "the computerized game controller monitoring through an I/O interface assembly conditions of coins in/out, currency in/out, debt/credit, and cashless event"

has been added to all independent claims in this application. This limitation clearly defines functions that are not analogous to the moving parts control or robotics control that is being implemented by Mardsen. These limitations further expand on the limitations that define the present as art that is not analogous to the filed of technology of Mardsen.

It is extremely important to understand the background of technology in the field of gaming that existed at the time that the present invention was conceived and reduced to practice. When new games had been developed within the gaming industry, it had been necessary to develop a customized peripheral interface to support the game (Page 6, lines 25-27). The prior art commercial status of gaming development at the time that the present invention was made relied upon development of complete systems (housing and coin/currency components being fairly constant within individual manufacturers, but not within the industry). Given the physical minimums of housing, lighting and sometime coin/currency control, individually designed hardware and software (motherboards, sisterboards, slave boards, input/output connection, pinning connections, game rules, image data, peripheral controls, security controls, authentication controls, etc.) had to be individually developed for each gaming format and type of gaming unit. This business system and structural format almost literally required "reinventing the wheel" each time that a new gaming format was desired to be introduced. This business system and structural format significantly slowed the introduction of new gaming formats and contributed to the underperformance of gaming equipment and the obsolescence of gaming apparatus when the shelf life of a gaming format declined. For example, when a gaming format with a title and image that was once topical has aged and play had diminished, the gaming apparatus (costing from $10,000 to $20,000 per unit) could only be warehoused or sold to a lower tier casino, where it would again be eventually warehoused. This system and the unique structure provided on each gaming format created substantial wastage in the industry, both in money, material and space.

The system of the present invention, including the universal game controller of the present invention, is based on a standard PC-type unit. The replacement of the inventive unit, that has novel structural features in the hardware and software, provides all game functions necessary to **implement** a wide variety of games by loading various program code on the

universal controller and then separately providing unique game information (e.g., from a separate gaming application-specific kernel) (see page 8, line 19 through page 9, line 4 of the specification). What is intended to be included in the term game functions includes button controls, coin acceptors, touch screen coordinates, credit managers, currency acceptors, operating system, security devices, game operating code and the like (Page 11, lines 14-22; page 15, line 23 through page 16, line 7). Additional game functions could be a store of images (e.g., cards or roulette wheel/symbols; see page 20, lines 1-4). These are separately provided with the I/O system as pinning-hardware/software in the PC-type system with a motherboard (Page 12, line 18, through page 19, line 8). The harness is fitted to the unique structure of the gaming device and the motherboard is connected to or integral with the harness/pin system (page 13, lines 5-8).

This type of system is quite distinct from conventional implementation of casino gaming systems where the entire system and program is originally installed with both game peripherals and game rules on the same board, so that replacement of a game in a given machine requires the complete replacement of both the game board and the peripheral controls. The game rules also must be uniquely and completely reconstructed and replaced. In the system claimed in the enabled practice of the invention, the invention provides a distinct set of a) pinning connections and game peripherals and b) game rules/controls. Once these distinct sets are provided, the old game rules from the original video gaming system may be connected through the new pinning/peripheral system or a new set of games rules using the inventively provided pinning system/game peripherals previously installed. In this manner, game designers may need to develop only the rules of the game, and the system peripherals are already available in the apparatus. This dramatically reduces game development time. (e.g., page 15, lines 2-7)

The provision of an I/O interface having digital logic to perform at least one function selected from the group consisting of buffering, latching signals and converting signals between protocols enables the computer to universally work with a variety of systems/apparatus/formats, as the ability to convert the signal does not require repining or reconnecting all user interface devices. For example, where pinning connections are provided, the computer links through the I/O with conversion (e.g., format conversion) functionality and the original pinning and the original user interfaces may be retained. This is in clear distinction to *Arcade* (art previously

applied against the claims) where all the wiring is ripped out. This feature also relates to the amendments to the claims whereat least some of the original connections to user interface devices were not removed.

2. Claims 1-17 and 19-37 have been finally rejected under 35 U.S.C. 103(a) as UNpatentable over Hedrick (U.S. Patent No. 6,135,884) in View of RTD and Mrdsen et al.

It is asserted that Hedrick et al. teach each and every limitation in these claims, except as noted above. Specifically, it is admitted that Hedrick does not show at least:

> "an interface assembly communicatively coupled to the controller's communication port wherein the interface assembly provides [a] plurality of interface formats such that the controller can control systems via the I/O interfaces and includes a connector for connecting to peripherals." (Page 3, lines 13-18)

It is asserted that RTD teaches this aspect of the claimed invention. **However,** RTD has not been established as a reference available under 35 USC 102 as prior art, the reference merely shows hardware structures, there is no nexus to the wagering gaming apparatus of the invention, and there is no showing that Applicants can find of the specific limitations in the claims for gaming peripherals. These clear errors are fatal defects in the rejection, which must fails for at least those reasons.

Additionally, as noted below, the specific interfaces are required to "convert" the signals between interface formats. That specific limitation capability has not been specifically identified in any of the references cited in this rejection. Because of that omission, the rejection must also fail.

The Examiner has courteously identified those portions of the Hedrick reference where each of the limitations in claim 1 are asserted to be shown in Hedrick et al. Even though Hedrick et al. does show some of the specific elements identified, Hedrick et al. does not show **at least:**

> an I/O interface adapter configured to communicatively couple the interface assembly to the communication port and convert at least some signals between the interface formats supported by the interface assembly and the universal controller

There are numerous elements of this limitation that are not shown by Hedrick et al. in Figures 5-7 (identified by the PTO in the rejection) and those portions of the specification bridging columns 8-10 (identified by Applicants as describing Figures 5-7). First, there is no indication from the Figures or the defined portion of the specification that any I/O interface "convert at least some signals." Second, there is no indication that an I/O interface convert signals "between interface formats supported by the interface assembly and the universal controller." Third, there is no universal controller shown in those identified portions of Hedrick et al. The "system controller" is not a universal controller as that term is used in the claims and as defined in the specification.

Hedrick et al fails to support a rejection of claims 1, 2, 5 and 6 under 35 U.S.C. 102(e). The rejection is in error and must be withdrawn.

It was previously asserted that the differences between these claims and claims 1 and 2 are obvious from the teachings of Hedrick et al., alone. As noted above, Hedrick et al. does not show essential limitations in claim 1 that are fundamental elements of the invention as claimed. Even if the additional limitations of these claims (4, 7 and 8) could be reasonably asserted to be obvious from knowledge of claims 1, 2, 4 and 5 (which **is not admitted**), the rejection would fail because the limitations of claims 1, 2, 4 and 5 are not taught by Hedrick et al. The rejection must fail for at least that reason.

This rejection also must fail at least because Hedrick et al. is *de jure* admitted to fail to show every element of the claims because of the need to combine Hedrick et al. with other references to show the asserted obviousness of every limitation in the claims. Hedrick et al. has been shown above in the discussion of the rejection of claims 1, 2, 4 and 5 to fail to teach limitations on elements essential to the claims. The two references, even if they do show the limitations for which they are cited in this rejection, do not show the limitations that have not been shown by Hedrick et al. with respect to claims 1, 2, 4 and 5. As the two secondary references fail to show those limitations, they do not overcome the deficiencies of the Hedrick et al. reference with regard to the limitations in claims 1, 2, 4 and 5.

Additionally, the citation of Mardsen has been clearly asserted in this rejection to constitute the application of non-analogous art that cannot be rationally combined with Hedrick et al. within the gaming industry. Even if Mardsen teaches every limitation for which it is cited, that teaching is appropriate for only a narrow field of use, Industrial Processing and telecommunications. There is no clear nexus between those fields and gaming apparatus. One skilled in the gaming art would not have considered the teachings of Mardsen as instructive for the development of gaming apparatus. The rejection cannot be obvious because there is no basis for motivating one skilled in the gaming art to use the moving parts computerized control system of Mardsen in a gaming apparatus.

The rejection under 35 U.S.C. 103(a) is untenable for all of these reasons and must be withdrawn.

PRELIMINARY AMENDMENT
Applicant: Mark L. Yoseloff., et al.
Serial No.: 09/405,921
Filed September 24, 1999
Title: VIDEO GAMING APPARATUS FOR WAGERING WITH UNIVERSAL COMPUTERIZED CONTROLLER AND I/O INTERFACE FOR UNIQUE ARCHITECTURE

Docket No.: PA0368.ap.US
Examiner: S. Ashburn
Group Art Unit: 3713

CONCLUSION

All rejections have been shown to be in error. All rejections should be withdrawn and all claims allowed.

Respectfully submitted,

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I hereby certify that this correspondence is being faxed to the United States Postal Service at 703.872.9393 (the number identified on Page 15 of the Office Action as the After Final fax number), addressed to MAIL STOP: AF (AFTER FINAL), Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on JANUARY 5, 2004.

Name Mark A. Litman Signature _____